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SPONSOR: Councilman Rippa  
Ord. No: 014-03

AN ORDINANCE TO AMEND THE TOWN CODE OF THE TOWN OF SMYRNA  
BY ADDING A NEW CHAPTER 19 ENTITLED HISTORIC PRESERVATION  
ORDINANCE

**SECTION 1.** Amend the Smyrna Town Code by adding a new  
Chapter 19, Historic Preservation Ordinance as follows:

**Chapter 19**  
**HISTORIC PRESERVATION ORDINANCE**

**Sec. 19-1. PURPOSE AND PRINCIPLES.**

It is declared as a matter of public policy that  
safeguarding the heritage of the town, and preserving and  
protecting structures and districts having historic,  
architectural, cultural, or aesthetic value, are in the  
best interests of the citizens of the Town of Smyrna.

**Sec. 19-1.1. In furtherance of this policy, the purposes  
of this chapter are to:**

- 1) Identify and establish historic districts, and  
preserve and enhance structures that are important to  
the history, character, architecture, culture,  
tradition and economic values of the Town of Smyrna.
- 2) Ensure that alterations of existing structures in  
historic districts are compatible with the structure  
being altered and with the character of the  
surrounding area and the historic districts.
- 3) Ensure that new construction in historic districts is  
compatible with the character of the surrounding area  
and the historic districts.
- 4) Encourage the restoration and rehabilitation of  
structures that contributes to the character of  
historic districts.

- 5) Enhance the attractiveness of historic districts, thereby supporting and promoting business and commerce, and contributing to the economic health of the town.
- 6) Discourage the neglect and demolition of structures in historic districts in order to minimize the loss of the historic fabric and context of the town's development and heritage.
- 7) Encourage orderly and efficient development, and the provision of essential public services and facilities, that recognizes the special value of the historic, architectural, cultural and aesthetic resources of the Town of Smyrna.
- 8) Maintain and improve property values, and spur new investment and reinvestment in historic districts.
- 9) Foster community pride, understanding and participation in preserving and enhancing Smyrna's heritage in order to create an environment that is attractive to residents and visitors as a place to live, work, and recreate.
- 10) Create a public body to advise and assist the Planning and Zoning Board and the town government in assessing and understanding the effects of proposed activities in historic districts.

**Sec. 19-2. DEFINITIONS.**

Unless otherwise specifically defined herein all terms shall have the meaning as set forth in Section 18-52 of the Smyrna Town Code and Section 19 of the Town of Smyrna Zoning Ordinance. Where terms are not defined, such terms shall have their ordinary accepted meaning such as the context implies.

- 1) Building and Inspections Office - means the Building and Inspections Office of the Town of Smyrna.
- 2) Board - means the Historic District Review Board established by this chapter.
- 3) Demolition permit - means an approval as required pursuant to Section 18-82 of the Smyrna Town Code.

- 4) Demolition by neglect - means the improper maintenance or extended lack of maintenance of a structure which results in substantial damage such that it presents a threat to public health, safety or welfare.
- 5) Historic Review Certificate - means the written official record of review and consideration of an application to conduct specified activities in a historic district as provided for in this chapter.
- 6) Major project means those actions that require a building permit, demolition permit, or zoning variance for the activities listed herein.
- 7) Historic District - means a land area officially designated by the Town Council and shown on a map depicting its boundaries reflecting its importance to Smyrna's history and heritage.
- 8) Minor project - means projects involving changes to a structure that do not require a Town of Smyrna building permit, demolition permit, or zoning variance; or a project being carried out in compliance with approved design guidelines as set forth herein.
- 10) Ordinary maintenance and repair - means work performed to prevent or correct wear or damage to a structure, or any part thereof, including: deterioration of exterior walls or siding materials, columns, posts or other vertical supports; roofs, cornices, soffits or fascia; exterior chimneys; exterior plaster, mortar, or ornamental trim; doors, windows, shutters, porches, railings or any other exterior features; or exterior paint due to extended lack of maintenance and upkeep.
- 11) Town Council - means the Town Council of the Town of Smyrna.
- 12) Substantial damage - means the condition of a structure meeting the definition of a dangerous building as defined in Section 18.136 of the Smyrna Town Code.

**Sec. 19-3. HISTORIC DISTRICT REVIEW BOARD CREATED.**

- 1) There is hereby created a Historic District Review Board, herein called the Board.
- 2) The Board shall have five (5) members who shall be residents of the Town of Smyrna. The Mayor, with the approval of the Town Council, shall appoint the members. Each member shall have training or knowledge of, and a demonstrated interest in, historic preservation, architecture, landscape architecture, planning, building construction or renovation, or local history. Ideally, at least one member should be a resident in the historic district, and at least one member should be the owner or operator of a business in the historic district. At the option of the Mayor and Council, one member may be a non-resident property owner or business owner in the historic district.
- 3) No member may be an elected official or employee of the Town of Smyrna.
- 4) Each member shall be appointed for a term of three years; provided however, that upon the initial appointments, two members shall be appointed for a term of one (1) year, two members for a term of two (2) years, and one member for a term of three (3) years. Members may be re-appointed for more than one term and shall serve until replaced upon the expiration of their term.
- 5) A vacancy occurring other than by an expiration of a term shall be filled for the remainder of the term in the same manner as an original appointment.
- 6) A member may be removed for cause by action of the Town Council.
- 7) The Mayor, with the approval of the Town Council, shall designate one member to serve as the Chair of the Board.
- 8) Members shall not be compensated for their service.
- 9) Three members shall constitute a quorum for purposes of transacting business. The vote of a majority of the members present at a meeting and voting shall be

necessary to approve a historic review certificate or the conduct of other business.

- 10) No member may vote in any matter in which he or she or an immediate family member has a direct financial interest.
- 11) The Board shall adopt such rules or procedures consistent with this section/chapter and those binding upon other s and boards of town government to efficiently discharge its responsibilities.
- 12) The Board shall not have its own staff, but may request through the Town Manager assistance from the town staff in carrying out its duties, including inspection of properties, keeping of records, posting and notice, correspondence, taking of minutes of the Board's meetings, and other necessary clerical support.
- 13) The Board shall meet monthly at a regularly scheduled time and place to be established upon formation. Notice of such meeting shall be posted by the Town Clerk as required by the Town Code and state law. Meetings may be cancelled with proper notice if there are no applications or other business before the Board or in the event of storm or weather related conditions. Special meetings may be called if required.
- 14) The Board may develop and adopt design guidelines to assist applicants in designing new structures or undertaking alteration to existing structures which will be compatible with the surrounding area and the historic district in which they are located. Such guidelines may identify actions that will be deemed to be compatible with a historic district and that can be considered a minor project pursuant to this chapter.
- 15) The Board may establish such guidelines to assist and advise applicants, to facilitate the Board's review, and for public education purposes. The approval of the Town Council shall be required before such design guidelines shall be considered binding.

**Sec. 19-4. HISTORIC DISTRICTS CREATED.**

- 1) The purpose of a Historic Preservation District is to preserve and enhance the heritage and historic character of downtown Smyrna as an area of special importance and interest. It is particularly intended that the regulations prevent any change of conditions that would be deemed to lead to a deterioration or degradation of the present visual or architectural qualities, or the integrity of the district.
- 2) A Historic Preservation Overlay Zone ("HPOD") is hereby created as part of the Zoning Code of the Town of Smyrna. Such overlay zone(s) shall be those defined pursuant to this chapter and shall be clearly marked on the Zoning Map as such.
- 3) In a Historic Preservation Overlay Zone the use and bulk requirements shall be those of the underlying zone designation as set forth in the Town of Smyrna Zoning Ordinance, except for those aspects of structures' height, bulk, setback, and appearance that are subject to the historic review certification criteria set forth herein.

**Sec. 19-4.1. Initial Historic District Designated.**

For purpose of this chapter the Downtown Smyrna Historic District is established specifically to include the street frontages on both sides of the street, whether occupied by a structure or not, as follows:

- E. Commerce Street from Main Street to East Street
- W. Commerce Street from Main Street to Union Street
- Market Street Plaza from Commerce Street to South Street
- N. Main Street from Commerce Street to North Street
- S. Main Street from Commerce Street to South Street, and also including the property of the Smyrna Opera House and Library

The District shall also include the structures at each corner of East Street, Union Street, Delaware Street, North Street, Mt. Vernon Street, Market Street Plaza, and South Street at their intersections with Commerce Street or Main Street, as further designated on the district map.

The map adopted as part of this chapter shall be considered definitive as to the boundaries of the district and such map shall constitute the Historic Preservation Overlay District as shown on the Zoning Map of the Town of Smyrna.

A set of digital color photographs meeting the standards of the Federal Emergency Management Agency's Guidelines for Photographing Historic Properties shall be created and maintained for the Building and Inspections Office for the purpose of documenting the physical appearance of structures within the historic district as of the effective date of this section, and shall be updated as changes to structures are approved. The photographs shall be considered definitive as to the structure's physical appearance at the time such photograph was taken.

**Sec. 19-4.2. Expansion and Extension of a Historic District.**

- 1) Any person may request the designation or expansion of a Historic District by submitting a written request to the Smyrna Historic District Review Board. If the applicant is not the owner of the property, a statement of no objection from the owner of record must accompany the application.
- 2) The Board may, on its own motion, also initiate an application to designate or expand a District. In such case, the Board shall notify by certified mail the owners of record of the proposed action.
- 3) Any expansion or extension of an existing district shall be contiguous to the boundary of such district. Any newly designated district shall include all contiguous properties within the proposed district boundary.
- 4) Upon receipt of an application, the Board shall review the application on its merits pursuant to the purposes of this chapter. The Board shall submit the application and its comments, findings, and recommendations to the Town Council, which shall refer it to the Planning and Zoning Board for consideration and recommendation to the Town Council. The Town Council shall have the authority to act on

the request. Approval by the Town Council shall have the effect of modifying the Historic Preservation Overlay District set forth in the Town of Smyrna Zoning Ordinance.

**Sec. 19-5. HISTORIC REVIEW AND CERTIFICATE REQUIRED IN HISTORIC DISTRICTS.**

**Sec. 19-5.1. Actions requiring review.**

- 1) A historic review must occur prior to any building, structure, premise, parcel, sign or other facility located wholly or partially in a historic district being in any manner erected, constructed, built, converted, created, reconstructed, modified, moved, altered, added to, converted, or demolished;
- 2) Such review shall be required for any change in the exterior architectural appearance of any structure within a historic district by addition, alteration or replacement; and
- 3) A historic review certificate shall be required for any action which otherwise requires a building permit, demolition permit, zoning certificate of compliance, or zoning variance within the historic district to the extent such permit or variance is required by the Town of Smyrna.

**Sec. 19-5.2. Exemptions.**

The following actions are exempt from these provisions:

- 1) Major immediate emergency repair to preserve the continued structural integrity, habitability of the structure, or the health and safety of its occupants or others; provided, however that emergency repairs shall otherwise conform to the code requirements of the Town of Smyrna and shall only be that work necessary to preserve structural integrity or minimize risk to public health and safety. No other work shall be performed until a historic review certificate is obtained.



- 2) Changes to the interior of any structure, or its internal mechanical systems, provided that no changes are made to the exterior of the structure.
- 3) Changes to that portion of any structure that falls entirely outside the boundary of the historic district.
- 4) Any situation where the Building Inspector orders or directs the immediate removal of a structure for the purpose of remedying conditions determined to be imminently dangerous pursuant to Article IV, Section 18 of the Smyrna Town Code.

**Sec. 19-5.3. Application Process for Minor Projects.**

Minor projects are those changes to a structure that do not require a Town of Smyrna building permit, demolition permit, or zoning variance; or a project complying with approved design guidelines as set forth herein. Such actions include, but are not limited to: adding, replacing or removing siding; adding, replacing or removing shutters; changing or replacing doors, windows, porch floors and ornamental trim; replacing roofing materials; or other similar actions, provided no building permit, demolition permit, or zoning variance is needed. Any property owner or other person responsible for a property within the historic district shall consult with the Building and Inspections Office to ascertain whether such activity requires a permit or zoning action. A minor project application is required in every case but shall not require review by the Board. The application for a minor project shall be processed and a historic review certificate shall be issued at the time of its request.

Such minor project application shall be for the purposes of providing advice, information, and guidelines for carrying out such activities in a manner consistent with the goals for preserving and enhancing the historic district. Such advice, information, and guidelines shall be non-binding. The property owner or representative shall sign the application acknowledging receipt of guidelines.

Minor projects may also include certain projects for which a building permit is required where the work will be done in accordance with design guidelines approved as provided for herein. In such instances, the permit may be

issued without Board review or a public meeting, provided that the property owner or representative agrees to comply fully with the design guidelines.

**Sec. 19-5.4. Application process for Major Projects.**

Major projects are those actions that require a building permit, demolition permit, or zoning variance for the activities listed herein. Applications for a major project shall be made to the Building and Inspections Office, which shall promptly notify and forward the application to the Board. Applications shall state that the property is partly or wholly within a historic district, show the location of the structure and its relationship to adjacent structures, and describe the construction, alteration, repair, relocation or demolition being contemplated. Architectural renderings or drawings, and photographs shall be required for all work except demolition. Demolition applications must clearly describe the final condition of the property after work is completed.

The Building and Inspections Office shall not grant any building permit or demolition permit nor submit the request for a zoning variance action until such time as an application has been reviewed by the Board.

**Sec. 19-5.5. Major Project Review by the Board.**

The Board shall review and make recommendations to the Planning & Zoning Board and/or the Building Inspector regarding all plans for a major project involving structures wholly or partly within the boundaries of a historic district.

- 1) It shall be the duty of the Board to review and comment on such plans before a building permit, demolition permit, or zoning variance is issued by the Town of Smyrna.
- 2) The Board shall only review the plans relating to the exterior features of the structure and shall have no authority to consider interior arrangements or intended uses. All uses shall be in conformance with the Town of Smyrna Zoning Ordinance.

- 3) In reviewing plans, the Board shall give consideration to the historic and architectural significance of the structure and the surrounding area, and the general appropriateness of the proposed exterior design, colors, textures, materials, and scale in accordance with guidelines duly established by the Board.
- 4) In making a recommendation on an application, the Board shall be aware of the importance of finding a way to meet the applicant's needs and the importance of making recommendation that will be reasonable for the applicant to carry out.

**Sec. 19-5.6. Considerations and Review Factors.**

In reviewing an application for a Historic Review Certificate for a major project, the Board shall give consideration to the purposes of this chapter, the comprehensive plan adopted by the Smyrna Town Council, and the U.S. Secretary of the Interior's Standards for Rehabilitation.

**Sec. 19-5.6.1. Considerations for new construction, alterations, additions or replacements.**

In regard to applications for new construction, alterations, additions or replacements of structures the following factors shall be considered:

- 1) The impact of the proposed action on the historic and architectural character of the district.
- 2) The height of the proposed improvement and its compatibility with adjacent structures.
- 3) The proportion of the structure's front and, where relevant, side facade to ensure that the relationship of the width of the improvement to the height of its front elevation shall be compatible with structures to which it is visually related.
- 4) The proportionality of the openings within the facade and the relationship of solids and voids on the facade to those of adjacent buildings

- 5) The relationship of the structure to the open spaces between it and adjoining buildings.
- 6) The relationship of entrances and porch projections to the street and their compatibility with the area to which the structure is visually related.
- 7) The scale of the structure in terms of its size, its mass, the nature of window and door openings, the directional compatibility of the façade, and the appropriateness of other architectural features.
- 8) The shape of the roof and its compatibility to adjacent buildings and the area to which it is visually related.

**Sec. 19-5.6.2. Design guidelines.**

Whether approved by the Town Council, or adopted by the Board for the purpose of assisting and advising applicants, design guidelines may be part of the Board's considerations, to include:

- 1) The compatibility of materials, textures and colors to the predominant materials used in buildings to which the proposed improvement is visually related.
- 2) The appropriateness of modern materials, if to be used, to the historic and architectural character of the district.
- 3) The compatibility of the structure's exterior features, such as lighting, fences, signs, sidewalks, steps, doorways and surrounds, or driveways with the features of those structures to which it is visually related, and the appropriateness of those features to the historic period or predominate architectural style of the improvement.
- 4) The compatibility of the structure's architectural design to that of the historic district and the area to which the structure is visually related, however a dissimilar architectural style may be acceptable if it appropriately furthers the evolution of the historic district or promotes the compatible adaptive reuse or a historic structure.

- 5) The extent to which the proposed action removes or reduces prior inappropriate modifications to a structure such that its future appearance will be more compatible with the character of the historic district.
- 6) The reversibility or permanence of the changes relative to the preservation of the original historic materials and architectural features.

**Sec. 19-5.6.3. Considerations for demolition and relocation/moving.**

In regard to applications for demolition of a structure in a historic district, or the relocation/moving of a structure into or out of the district, the Board shall consider the following factors:

- 1) Its historic or architectural significance, especially its listing on or eligibility for listing on the National Register of Historic Places, whether as an individual listing or as a contributing element in a district.
- 2) The structural condition of the improvement and the consideration of economic feasibility of alternatives, including specifically the retention of the facade as part of any new structure.
- 3) The importance to the community and the extent to which its retention would promote the general welfare by increasing property values, generating business, encouraging tourism, attracting new residents, and making the community an attractive place in which to live.
- 4) The extent to which the structure is of such old, unusual or uncommon design, craftsmanship, texture or materials that it could be reproduced only with great difficulty or expense.
- 5) The historic loss to the site and to the historic district as a whole.
- 6) The compatibility, nature and character of site prior to and after relocation.

- 7) The reasons the structure can not be retained at its present site.

**Sec. 19-5.7. Public Hearing and Form of Board Action.**

The Board, upon receipt of an application for a Historic Review Certificate for a major project, shall schedule its consideration at a regular meeting of the Board in accordance with the rules and procedures set forth by the Board. At the meeting the applicant shall be permitted to present information regarding the proposed action. The Board may seek the advice of the Building Inspector, other Town staff, technical experts, or others, as it deems appropriate in its deliberations. Interested members of the public shall be afforded an opportunity to comment during the meeting as well.

The Board's deliberations shall be public, conducted in accordance with Section 14 of the Town of Smyrna Zoning Ordinance, and shall be recorded in minutes filed with the Town Clerk. The Board's recommendation shall take the form of a motion, approved by a voting majority as set forth herein, and shall be transmitted in writing to the Town Manager for referral to the Planning & Zoning Board or the Building Inspector as appropriate.

**Sec. 19-5.8. Time for Action.**

The Board shall have no longer than forty-five (45) days from receipt of the application for a major project to render its recommendation, unless the applicant has agreed to a longer period of time for the Board's action. If the Board does not act within the stated time its concurrence shall be presumed.

**Sec. 19-5.9. Board Approval, Approval with Conditions, Acceptance.**

The Board shall consider the application as set forth herein and may approve such application, or approve the application with conditions that minimize potential adverse or inconsistent components of the proposed action in the historic district.

The applicant may accept the Board's approval or approval with conditions by signing the official report and certificate. The applicant's signature shall be a good

faith expression of his/her intention to fully comply with the plans and design criteria as approved by the Board. In such case, there shall be no review or approval required by the Town Council.

**Sec. 19-5.10. Denials.**

The Board may decline to issue a Historic Review Certificate if, in its opinion, the proposed action adversely impacts on a structure in the historic Preservation Overlay District or will produce a result which will be detrimental to the integrity and character of the historic district as determined in accordance with the review criteria set forth herein. In recommending denial of a building or demolition permit or zoning variance, the Board shall recommend changes to the proposed project which will reduce or eliminate the adverse impact, or other guidance to assist the applicant, the Building Inspector and/or the Planning & Zoning Board in their considerations.

**Sec. 19-5.11. Request for Reconsideration.**

Upon receipt of a recommendation on a Historic Review Certificate application, an applicant may request that the Board reconsider its findings if, in the opinion of the applicant, the Board did not have adequate information on which to base the recommendations, if the Board did not fully understand the action proposed, if new information regarding the structure's condition or the actions proposed has become available, or if the conditions are considered to be a hardship. Such request shall be in writing and submitted within ten days of the Board's action. The Board shall, in a timely manner, reconsider its findings and may, at its option, meet with the applicant to address the concerns raised before advising the Building Inspector or the Planning and Zoning Board of its reconsideration recommendations.

**Sec. 19-5.12. Appeals, Review and Consideration by the Town Council.**

An applicant may request that the proposed action be referred to the Town Council for review and consideration if the applicant disagrees with the Board's action. Such request shall be in writing and submitted within ten days of the Board's action to the Town Manager who will schedule its consideration at a regularly scheduled meeting of the

Town Council, consistent with rules and procedures for notice and council actions. The Town Council's review shall consider the reasonableness of the Board's recommendations given the information available to it, the purposes and intent of this Section, the potential impact on the district of the applicant's proposal, the extent to which the requirements result in an undue economic hardship, and the potential that significant historic and architectural resources will be lost if no action is undertaken.

The Town Council shall have the final action on the application.

**Sec. 19-5.13. Unexpected and Unforeseen Conditions.**

It is recognized and expected that unexpected and unforeseen conditions will arise in the construction, renovation or demolition process requiring a change from the reviewed plan. Unless such actions require a formal permit or variance amendment or a new approval, such actions shall not ordinarily require subsequent review by the Board, except when, in the opinion of the Building Inspector, the necessary changes will result in a significantly different structure than was previously reviewed.

An applicant may request that the Board informally review the unexpected conditions and offer its advice. Such informal review shall be non-binding and shall not require a revised application or hearing.

If the Building Inspector determines that the changes needed to correct the unexpected or unforeseen situation will cause a significant change in the project or will require a new or revised permit or zoning variance, the applicant must resubmit the project for formal review by the Board as set forth herein.

**Sec. 19-5.14. Expiration.**

A Historic Review Certificate for a minor or major project shall expire after twelve (12) months from the date it was issued or upon completion of the work as determined by final approval by the Building Inspector, if required, whichever shall occur first.



**Sec. 19-6. ORDINARY MAINTENANCE AND REPAIR REQUIRED, DEMOLITION BY NEGLECT.**

Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any property in the historic district, including such activities as painting or repainting, replacement of roofing, replacement of broken glass, replacement of architectural features or similar actions, unless such action requires a building permit, demolition permit, zoning certificate of compliance, or zoning variance from the Town of Smyrna.

No owner of real property in a historic district shall permit such structure to fall into a state of disrepair so as to produce a detrimental effect on the character of the district or the structure.

**Sec. 19-7. CONSISTENCY WITH OTHER CODES AND ORDINANCES.**

All other provisions of the Smyrna Town Code and the Town of Smyrna Zoning Ordinance relating to properties or actions within the historic district shall remain in force and effect, the provisions of this section being supplemental thereto. In the event of a conflict between these provisions and the Code of the Town of Smyrna, the provisions of this Section shall apply.

**Sec. 19-8. OTHER PROVISIONS.**

**Sec. 19-8.1. Violations and Enforcement.**

The Code Enforcement Officer of the Town of Smyrna shall monitor the condition of properties within historic districts to determine if a violation of these provisions is taking place. The Board or any individual may also bring a suspected violation to the attention of the Code Enforcement Officer, by submitting a written notice, in the manner prescribed by the Town, identifying the location and suspected violation.

In the event that the Code Enforcement Officer determines that a violation of this Section may have occurred, he shall notify the Board in writing and request their review. The Board shall consider the information provided, determine the extent of the violation, identify remedies that the owner shall undertake to address the

violation, and recommend to the Building Inspector the actions and schedules for compliance.

Failure to secure a Historic Review Certificate when required or failure to conform to the terms and conditions of any certificate shall be a violation of this Section and shall be subject to the sanctions and penalties for violation of building permit, demolition permit, or zoning requirements as set forth in Sections 17 of the Town of Smyrna Zoning Ordinance and 18-76 of the Smyrna Town Code.

#### **Sec. 19-8.2. Natural events and involuntary demolition.**

Damage to or the involuntary demolition of a structure as a result of fire, explosion, storm, act of war or terrorism, or other cause not under the direct control of the property owner shall not be considered a violation of this chapter. However, no actions to restore the structure may be undertaken except as provided for herein.

#### **Sec. 19-8.3. Fees.**

There shall be no additional fees for review of a minor or major project application under this Section beyond those that would otherwise apply. There will be a one hundred dollar (\$100) fee for an appeal to the Town Council.

#### **Sec. 19-8.4. Severability.**

If any section, subsection, paragraph, sentence, clause or other provision of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining sections, subsections, paragraphs, sentences, clauses or other provisions or the applications of this ordinance which shall be given effect without the invalid section, subsection, paragraph, sentence, clause or provision or application, and to that end the sections, subsections, paragraphs, sentences, clauses and provisions of this ordinance are declared to be severable.

#### **Sec. 19-8.5. Effective date.**

The provisions of this Section shall become effective upon their approval by the Town Council, except that the

provisions relating to minor projects shall not become effective until the Town Council adopts design guidelines.

EFFECTIVE DATE: \_\_\_\_\_

Synopsis

This ordinance creates a new chapter in the Town Code safeguarding the heritage of the town and preserving and protecting structures and districts having historic, architectural, cultural, or aesthetic value to the citizens of Smyrna.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Mayor and Council at their meeting on \_\_\_\_\_, 2003.

ATTEST:

\_\_\_\_\_  
Council Secretary                      Mayor

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This will certify that the title, synopsis and effective date of this ordinance was published in the Smyrna Times on \_\_\_\_\_, 2003 and posted at the Town Hall on \_\_\_\_\_, 2003.

So Certifies:

\_\_\_\_\_  
Date                                      Town Clerk